

Remarks

This Amendment is submitted in response to the final office action mailed August 4, 2006, in connection with the above-identified application (hereinafter the "Final Office Action"). This Amendment is being submitted within two months of the mailing date of the Final Office Action.

Claims 1, 4 through 6, 32 through 37 are currently pending. Applicants respectfully request entry of the amendments to Claim 1. No new matter is introduced by the amendment to Claim 1.

Rejection under 35 U.S.C. § 103(a)


Claims 1, 4-6 and 32-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Preparation of aqueous polymeric nanodispersions by a reversible salting-out process: influence of process parameters on particle size* to Allémann et al. (hereinafter "*Allémann*") or record by itself or in combination with U.S. Patent No. 4,343,789 to Kawata (hereinafter "*Kawata*"), U.S. Patent No. 5,482,706 to Igari (hereinafter "*Igari*") or U.S. Patent No. 4,895,725 to Kantor (hereinafter "*Kantor*").

None of the cited references alone or in combination render the amended claim 1 obvious. All the claim limitations need to be taught by the reference in order to establish obviousness. Claim 1 has been amended to include only the following two copolymers: polyvinyl acetate phthalate (PVAP) and hydroxypropyl methyl cellulose acetate succinate (HPMCAS). Since these two elements are neither suggested nor taught by the references, a *prima facie* case of obviousness has not been established.

Thus, in view of the foregoing arguments, Applicants respectfully request reconsideration of the present application. If a telephone interview would be of assistance in advancing the prosecution of this application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Novartis
Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover, NJ 07936-1080
(862) 778-7877

Respectfully submitted,


John W. Kung
Attorney for Applicants
Reg. No. 44,199

Date: September 11, 2006